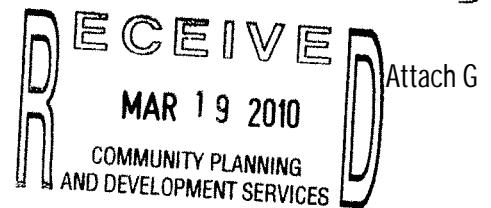


**LINOWES
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March 18, 2010

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Mayor Phyllis Marcuccio
Members of the City of Rockville Council
City of Rockville City Hall
111 Maryland Avenue
Rockville, Maryland 20850

Re: Comment of AvalonBay Communities, Inc., owner of 12720 Twinbrook Parkway and Applicant for Site Plan Application No. STP2009 for submission into the Record for the New Building Code/Green Building Code Regulations

Dear Mayor Marcuccio and Councilmembers:

This firm represents AvalonBay Communities, Inc. ("AvalonBay"), the owner of 12720 Twinbrook Parkway (the "Property") and the applicant in the above-referenced site plan application (the "Application"). The Property consists of 4.1 acres and is bound by Ardennes Avenue to the west, Halpine Road to the north and Twinbrook Parkway to the east. The Property is located approximately 400 yards from Twinbrook Metro Station. The Twinbrook Neighborhood Plan ("TNP") recommends the Property for all multi-family use, and the Property is zoned Mixed-Use Business ("MXB").

AvalonBay has worked with the City and community for over four years to design a high-quality residential apartment community of 240 apartment homes on the Property (the "Project") adjacent to Metro. A site plan was filed with the City on June 26, 2009, soon after the new-building application was lifted. The City has not yet completed its review and processing of the Site Plan. It is our hope that the Site Plan will proceed to the Planning Commission for favorable action in the near future. The Project meets all building and code regulations in place at the time of filing and is consistent with both the TNP and the MXB Zones.

The purpose of this letter is to support the Staff's recommendation to grandfather the filed site plans to further the application of Article XIV, Green Building Regulations. Specifically, the February 22, 2010 Staff Report states:

The staff recommends that the requirements of the proposed Article XIV, Green Building Regulations, shall not be applicable to the following:

Mayor Phyllis Marcuccio
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Site Plans (Level 1,2 and 3) and Project Plans where a Pre-application, or formal application, has been made prior to the effective date of Article XIV of Chapter 5; ...

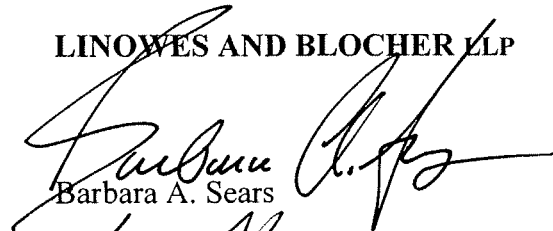
Applying the Green Building Regulations would require AvalonBay to significantly redesign the Project. Such extensive modifications this late in the process would be very costly and impose an unfair burden on AvalonBay. The Staff's recommendation on this point recognizes the very substantial time and costs that an owner such as AvalonBay invests in the preparation and processing of a site plan in satisfaction of existing laws and regulations. Importantly, the grandfathering represents a fair and equitable approach to this application of these new regulations to such site plans.

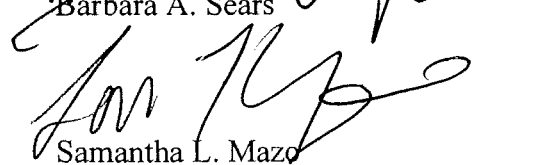
For the reasons discussed above, AvalonBay supports the recommendation of Staff to grandfather the filed site plans from the proposed changes in the law and asks the Mayor and Council to include such direction in the adopting Ordinance for the New Building Code/Green Building Code Regulations.

Thank you for your time and consideration in this matter. Please contact us if you have any questions or concerns.

Very truly yours,

LINOWES AND BLOCHER LLP


Barbara A. Sears


Samantha L. Mazo

cc: Jonathan Cox
Chris Helsabeck
✓ Susan Swift
Erica Shingara
Charles Barker
Jim Wasilak
Jeremy Hurlbutt